

REMARKS

The application has been thoroughly reviewed in light of the March 30, 2005 Office Action. Claims 1-5, 8, 10, 20, 22, 37-38, 40 and 41 are pending. Claims 1, 8, 10, 20, 22, 37, 38, 40 and 41 are independent. Claims 6, 7, 9, 11-19, 21, 22-36, 38, 39 and 42-50 have been canceled without prejudice and/or disclaimer of subject matter. Claims 1, 8, 10, 20, 37, 40 and 41 have been amended. Each of the issues raised in the outstanding Office Action are addressed below.

Restriction Requirement

The Action restricted the invention into one of three groups:

Group I: Claims 1-12, 20-22, 37, 38 and 40-42, drawn to electronic payment for products dispensed from a vending machine;

Group II: Claims 13-19, drawn to monitoring inventory in a vending machine; and

Group III: Claims 23-36, 39 and 43-50, drawn to settling a credit transaction from a point of sale device.

Applicants provisionally elected to prosecute the invention of Group I. Applicants hereby affirm the election.

§103 Rejection

Claims 1-12, 20-22, 37, 38 and 40-42 were rejected under 35 U.S.C. §103, as reciting subject matter that would have been obvious over U.S. patent no. 6,457,038

(Defosse), in view of U.S. patent no. 6,321,985 (Kolls). With regard to claims 6, 7, 11, 12, 21, 22 and 38, this rejection is considered moot as these claims have been canceled. For the following reasons, the remainder of the claims are patentable over the prior art.

The Cited Prior Art

As understood by Applicants, Defosse is directed to a remote data acquisition and transmission system for monitoring vending machines. As shown in Fig. 2, an applications controller 18 interfaces with a VMC 54 of the vending hardware 16 via a single serial interface 56. As also understood by Applicants, Kolls is directed to a system and method for networking a plurality of vending machines, vending of which may be paid for by credit card. The plurality of vending machines are connected to a controller via an electrical connection line. The controller includes a display, a magnetic card reader, a keypad, a printer and a speaker. The controller sends and receives information to and from each of the plurality of vending machines.

Claims 1, 8, 10, 40 and 41

Amended claim 1 is directed to an enabler device used in conjunction with a DEX enabled vending machine. The vending machine includes a vending machine controller (VMC) with a DEX interface and a multi-drop-bus (MDB) interface. The enabling device enables electronic payment for products dispensed from the vending machine and for communicating information between the vending machine and a remote computer. The enabler includes a wireless data network transceiver connected to the DEX interface, a card reader for entering credit card account information and a micro-controller in communication with the transceiver and connected to said MDB interface. Amended independent claims 8 and 10 recite similar patentable features.

Similarly, amended independent claim 40 is directed to an enabler device used in conjunction with a point-of-sale device. The enabler device allows for electronic payment for purchases from the point-of-sale device and for communicating/auditing information between the point-of-sale device and a remote computer. The enabler includes a wireless data network transceiver connected to an auditing interface of the controller of the point of sale device, a card reader in communication with the transceiver for entering credit card account information, and a micro-controller in communication with the transceiver and a master-slave controller interface of the controller of the point of sale device. Claim 41 recites similar patentable features.

Analysis

With regard to claims 1, 8 and 10, Applicants respectfully submit that the cited references, either alone or in combination, would not have taught or suggested to one of skill in the art at the time the invention was made of an enabler device for a DEX enabled vending machine, having a transceiver connected to a DEX interface of the VMC of the vending machine and a micro-controller in communication with the transceiver and connected with a MDB interface of the VMC (see spec. pp. 11-12; Figs. 2-3).

At most, Applicants submit that Defosse discloses an application controller having a serial interface connected to a VMC via a MDB *or* a DEX port.¹ In the present invention, the DEX port is used to audit, configure and/or reset data of VMC, while the MDB is used to control peripheral devices through master-slave operation (see specification page 9, line 19, through page 10, line 6; page 10, line 27, through page 11, line 12).

¹ The Action alleges that Defosse at col. 6, lines 19-20 discloses a micro-controller connected to a MDB. This portion of Defosse states "Application controller 18 interfaces with vending hardware 16. As shown, this interface can include a serial interface 56 (e.g., Multi-Drop Bus or DEX port) that communicates with the VMC 54 using a standard protocol (e.g., DEX/UCS) implemented by many conventional vending machines.

Similarly, with respect to claims 40 and 41, Applicants respectfully submit that neither reference, either alone or in combination, would have taught or suggested to one of ordinary skill in the art at the time the invention was made of an enabler device for use in conjunction with a point-of-sale device, where a wireless data network transceiver of the enabler is connected to an auditing interface of the controller of the point of sale device, a card reader in communication with the transceiver for entering credit card account information, and a micro-controller in communication with the transceiver and a master-slave controller interface of the controller of the point-of-sale device. It is respectfully submitted again that Defosse merely discloses an application controller connected to a controller of a vending machine via a serial connection comprising *either* a multi-drop bus *or* a DEX port (see Footnote 1). None of the remaining references from the prior art of record disclose the deficiencies of the cited prior art

It is the combination of the use of both the DEX/auditing interface *and* the MDB/master-slave controller interface to the enabler device in the presently claimed invention which allows both the audit/configuration of a vending machine/point-of-sale device and data. Moreover, utilization of the DEX interface and the MDB of the vending machine/point-of-sale device controller and wireless credit approval. Accordingly, claims 1, 8, 10, 40 and 41 (as well as dependent claims 2-5 and 9) are patentable over the prior art. Applicants respectfully request that the §103 rejection as to these claims be withdrawn.

Claims 20 and 37

Amended independent claim 20 is directed to a method for managing information from a DEX enabled vending machine. The method includes sending a command from a remote computer over a wireless network to a remote DEX enabled vending machine

(..continued)

having a DEX port. The command includes one of a first procedure for resetting data on the vending machine, where DEX data fields are cleared and the DEX port is disabled; a second procedure for auditing data on the vending machine, where DEX data is sent back to the remote computer; and a third procedure for configuring data on the vending machine. The method further includes carrying out the procedure on the vending machine. Computer readable medium claim 37 recites similar patentable features.

Applicants submit that further review of Defosse and Kolls did not turn up any information, either alone or in combination, which would have taught or suggested to one of ordinary skill in the art at the time the invention was made of the above-claimed invention. In particular, neither reference, alone or in combination, discloses, teaches or suggests a method of sending a command from a remote computer over a wireless network to a remote DEX enabled vending where the command includes one of a first procedure for resetting data on the vending machine, where DEX data fields are cleared and the DEX port is disabled; a second procedure for auditing data on the vending machine, where DEX data is sent back to the remote computer; or a third procedure for configuring data on the vending machine.

As stated in the specification, the present invention allows a remote computer to retrieve data, reset data (and disable a DEX port) as well as reconfigure data. None of the cited prior art references teaches or suggests such a method. Moreover, Applicants also submit that none of the references from the prior art of record disclose the deficiencies of the cited art. Accordingly, Applicants submit that claims 20 and 37 are patentable over the prior art. Withdrawal of the §103 rejection is respectfully requested.

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CONCLUSION

In view of the foregoing remarks, Applicants respectfully submits that all issues raised in the March 30, 2005 Office Action have been addressed and request favorable reconsideration of the subject application. Applicants also respectfully request that all of the prior art rejections issued in the outstanding Office Action be withdrawn and that the subject application be allowed.

No fees, aside for the fee due for the extension of time for responding to the outstanding Action, are believed due with this response. In the event that it is determined that additional fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. **50-0311**, Ref. No. 28589-022 (formerly 21958-022), Customer No. **35437**.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should be directed to our New York office address, which is given below.

Respectfully submitted,

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